

DNREC NEWS

The Delaware Department of Natural Resources and Environmental Control

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May 6, 2004



Ruth Ann Minner
Governor

John A. Hughes
Secretary

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www.dnrec.state.de.us

Season's First Piping Plover Nests Spotted at Cape Henlopen State Park

Volunteer Plover Watchers Needed to Protect Nesting Areas;



Two piping plover nests, Delaware's first of the year, have been discovered at Cape Henlopen State Park's Gordon's Pond area. A quarter-mile stretch of ocean beach was closed Thursday, April 29 and will remain closed until the eggs hatch and all the chicks are able to fly, usually by late July or early

August. Predator exclosures are being erected to protect the nests from the area's foxes, raccoons, crows, grackles and feral cats.

Other pairs are displaying mating behavior at The Point, another favored nesting area at Cape Henlopen which has been closed for the birds since March. Department of Natural Resources and Environmental Control's plover watcher Marnie Pepper continues to monitor the state's beaches for other nests.

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Students learn about stewardship at
Water Festival held at Fort
Delaware, story page 6



Maria A. Taylor

Calendar

For information or registration for park events, please contact individual park offices. A listing follows the calendar.

MAY

6 – Public workshops on Preliminary Report of U.S. Commission on Ocean Policy, 7 p.m., Delaware National Estuarine Research Reserve, 818 Kitts Hummock Road, Dover. Contact Sarah Cooksey, Delaware Coastal Programs, (302) 739-4506.

6 – Delaware Envirothon Challenge, 9 a.m., Cape Henlopen State Park. Contact Terry Higgins, Chair, (302) 492-3354.

9 – White Clay Creek State Park program: Garden Tea and House Tour, 2 p.m., at the Judge Morris Estate on Polly Drummond Hill Road, Newark. Cost is \$15 per person.

12 – Public hearing on Water Allocation Permits for FLP Energy Marcus Hook and Sunoco, 6-9 p.m., DNREC's offices, 391 Lukens Drive, New Castle. Contact Stewart Lovell, Water Supply, (302) 739-4793.

12 – Wastewater Facilities Advisory Council meeting and workshop, 9 a.m., Delaware Technical and Community College, Conference Room 400A, 1832 N. DuPont Parkway, Dover.

15 – White Clay Creek program: Civil War Encampment, 9 a.m.-noon at the Carpenter Recreation Area

15 – Newark's Storm Drain Marking Project, 9-11 a.m., City Municipal Building. Contact Kelley Dinsmore, Newark Public Works Department, (302) 366-7040.

15, 16 – Camp Awareness, Camp Arrowhead, Rehoboth Bay off Route 279. For children in the sixth grade. Cost is \$35 per child. Call (302) 739-3440.

16 – White Clay Creek program: Insects: What are they good for?, 2 p.m., at the nature center.

19 – Tidal Finfish Advisory Council meeting, 7 p.m., DNREC auditorium, Richardson and Robbins Building, 89 Kings Highway, Dover. Call the Fisheries section, (302) 739-3441.

20 – Public workshop on Deer Management, 7 p.m., DNREC auditorium, Richardson and Robbins Building, 89 Kings Highway, Dover. Contact Ken Reynolds, Deer Damage Assistance program manager, (302) 653-2883.

20 – Brandywine Creek State Park program, Opossum Hide and Seek!, 9:30-10:15 a.m., for children ages 2-3. Cost is \$5 per child. Pre-registration suggested.

25 – Game and Fish Advisory Council meeting, 7:30 p.m., DNREC auditorium, Richardson and Robbins Building, 89 Kings Highway, Dover. Contact Greg Moore, Fish and Wildlife, (302) 739-5297.

25 – Environmental Appeals Board hearing, appeal of Sierra Club of subaqueous and wetlands permit granted to North Shores for repairs and rehabilitation of a large stone groin, 9 a.m., DNREC auditorium, Richardson and Robbins Building, 89 Kings Highway, Dover. Contact Gail Donovan, (302) 739-6400.

27 – Public Workshop on Deer Management, 7 p.m., Education Building at the Ommelanden Hunter Education Facility, Route 9, New Castle. Contact Ken Reynolds, Deer Damage Assistance program manager, (302) 653-2883.

30 – White Clay Creek State Park program: *Insects in the Nest*, 2 p.m. at the nature center.

JUNE

2 – Public Workshop on Deer Management, 7 p.m., Delaware Technical and Community College Owens Campus in the lecture hall of the William Carter Partnership Center, Route 18, Georgetown. Contact Ken Reynolds, Deer Damage Assistance program manager, (302) 653-2883.

6 – Brandywine Creek State Park program: *Salamanders*, 1 p.m. for children ages 8-12. Cost is \$2 per child.

8 – Public hearing on Delaware Regulations Governing Solid Waste, 6-9 p.m., DNREC auditorium, Richardson and Robbins building, 89 Kings Highway, Dover. Contact Don Short, (302) 739-3689.

12 – Take a Kid Fishing: Youth Fishing Tournament, 10 a.m.-1 p.m., at three locations: Ingrams Pond in Millboro, Wyoming Pond in Town Park and at Lums Pond by the dog training area. For children ages 4-15. Call (302) 739-3440.

16, 17 – Environmental Management System workshop, 8:30 a.m.-4:30 p.m., Delaware Technical and Community College, Stanton Campus, Wilmington. Contact Bob Palmer, Planning and Compliance Assistance, (302) 739-6400.

Park Offices:

Brandywine Creek State Park, (302) 577-3534; Nature Center, (302) 655-5740

White Clay Creek State Park, (302) 368-6900; Nature Center, (302) 368-6560

Bellevue State Park, (302) 577-3390; Arts Center, (302) 577-6540

Trap Pond State Park, (302) 875-5153; Nature Center, (302) 875-5163

Lums Pond State Park, (302) 368-6989; Nature Center, (302) 836-1724

Fort Delaware State Park, (302) 834-7941

Killens Pond State Park, (302) 284-4526

Cape Henlopen State Park, (302) 645-8983; Nature Center, (302) 645-6852

Piping Plovers nests continued from page 1

Piping plovers return to Delaware in March or early April and build their nests in the sand between the dunes and the water. According to Pepper, this practice puts the species in danger from humans. Both eggs and the young birds are so well camouflaged that they are in danger of being stepped on or otherwise disturbed by humans. Off-road vehicles can also degrade or destroy their habitat. Last year a record 14 plover chicks fledged.

In 1986 the U.S. Fish and Wildlife Service put the Atlantic Coast population of piping plovers on its list of threatened species. According to the federal agency, only 1,168 nesting pairs remained on the East Coast in 1999 – a level that puts these birds in danger of extinction.

For the past 12 years, DNREC has been working to halt the species' population decline. In 1990 the agency adopted a piping plover management plan that is implemented by the Division of

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Piping plover chick photographed last year at Gordons Pond in Cape Henlopen State Park.

Parks and Recreation, the Division of Fish and Wildlife and the Division of Soil and Water Conservation.

“Fencing the nests has helped, but it may not be enough to ensure the recovery of the species. Recovery ultimately depends upon preserving the natural habitats and minimizing disturbance of the birds,” Pepper said. “Well-fed, healthy birds have the best chance at survival and reproduction. Last season, volunteers did a great job not only keeping people out of the nesting areas but also with helping educate the public about plovers.”

The Division of Fish and Wildlife is recruiting volunteers to help protect nesting areas. A training session will be held the morning of May 15 beginning at 9 a.m. at the Biden Center at Cape Henlopen State Park.

For more information or to participate as a volunteer, contact Pepper by e-mail at Margaret.Pepper@state.de.us or by calling (302) 382-4151.

DNREC Issues Penalty Notices to Motiva Totaling \$237,500 for Air Pollution Violations

Department of Natural Resources and Environmental Control Secretary John A. Hughes issued two Notices of Administrative Penalty Assessment and Secretary’s Orders on April 30 to Motiva Enterprises LLC for violations of Delaware’s regulations governing the control of air pollution. The first Order includes a cash penalty of \$157,500 and an additional \$1,228 as cost recovery reimbursement to the Department for expenses associated with its investigation. The second Order includes a cash penalty of \$80,000 and \$1,870 in cost recovery reimbursements.

Motiva Enterprises LLC owned and operated a petroleum refinery at 2000 Wrangle Hill Road in Delaware City where it manufactured various petroleum-based by-products, including gasoline, diesel, and jet fuels, and other marketable petroleum by-products. The refinery is currently owned and operated by Premcor Inc.

As part of its operations, the company owned and operated a Fluid Catalytic Cracking Unit (FCCU) at the refinery. The first Order and penalty assessment relate to the FCCU and Carbon Monoxide Boiler (COB). The FCCU is used in the refining operation to break down distillate oil by using heat and a catalyst to increase the gasoline yield from the crude stock. In addition, spent catalyst is regenerated in the FCCU regenerator in a partial burn process and regenerator flue gas containing carbon monoxide (CO) undergoes complete combustion in a downstream CO boiler using auxiliary refinery fuel gas. Stack CO emissions are monitored by a continuous emissions monitoring system for compliance with the 500 parts per million by volume dry base (ppmvd) limit prescribed by the federal consent decree of 2001.

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In February 2004, the Department conducted a records review of Motiva's Fluid Catalytic Cracking Unit and the Carbon Monoxide Boiler's excess carbon monoxide emissions reports for the third and fourth quarter of 2003. The Department identified intermittent CO exceedances of the 500 ppmvd limit. According to the report, the exceedances occurred for 504 hours over 40 days during the third quarter and 408 hours over 28 days during the fourth quarter. In total, these intermittent exceedances during the second half of 2003 amounted to 912 hours over a 68 day period. The majority of the exceedances are attributable to the loss of a carrier air blower that supplies air to the FCCU regenerator, loss of refinery cooling water and to electrical and instrumentation problems.

The second Order penalizes Motiva for several flaring incidents. Between March 2002 and August 2003, Motiva experienced 14 separate hydrocarbon flaring incidents where sulfur dioxide emissions exceeded 500 pounds. Furthermore, instrument and operator error during two of the flaring incidents caused additional emission releases that included methane, ethane, hydrogen sulfide, propane, propene, and 1-propene.

Both Orders allow Motiva 30 days to request a public hearing.

For further information, contact Ravi Rangan, Division of Air and Waste Management, (302) 323-4542 or Maria Taylor, Public Affairs, (302) 739-4506.

New State Nature Preserve Protects Old Growth Forest and Maidstone Branch

Governor Ruth Ann Minner and the Department of Natural Resources and Environmental Control announced April 28 the acquisition and protection of one of Dover's last remaining natural areas: a 236-acre property that contains a unique stand of old growth American beech, a wooded stream corridor and several rare and threatened species.

The property, which was dedicated as the Anne McClements Woodland of the Fork Branch Nature Preserve, is at the corner of Kenton and West Denney's roads, along Maidstone Branch. It was purchased in December 2003 from Dr. James B. McClements of Dover, who has owned the property with his family since the mid-1960s and at one time planned to create a 90-acre lake in the flood plain. In the mid-1990s, a proposed development would have filled the tract with about 300 homes.

"Things have a way of working out," McClements said. "My family and I have explored these woods for almost 40 years and it is truly a beautiful area. There are majestic groves of beeches, impenetrable upland wet pockets and steep banks leading down to the floodplain of Maidstone Branch, all covered with many unusual species of plants. The floodplain has beavers and aquatic birds and plants, and the upland woods are home to many other birds and a large deer population. We are happy that it will be preserved in its natural state."

Half of the property was owned by McClements and his late wife Anne, for whom the area is named. The other half was in a trust for their five children and 12 grandchildren. He and the children agreed to sell the property for \$2.4 million, half of the land's \$4.8 million value as determined in an appraisal obtained by the state. Funding came from the State Open Space Program.

The new nature preserve will be managed by the Division of Parks and Recreation. Plans include developing a hiking trail that will allow the public to enjoy the scenic area.

For more information, contact Ron Vickers, chief of land preservation, Division of Parks and Recreation, (302) 739-3423.

Delaware Students Participate in “Make a Splash” Festival

*225 school children learn how to be good watershed neighbors
and try to solve an historic clean drinking water problem*

Approximately 225 enthusiastic seventh graders learned how to be good watershed neighbors at the fourth annual “Make a Splash with Project WET” festival May 29 at Ft. Delaware on Pea Patch Island off the coast of Delaware City.

This year’s students are from Sussex Academy in Georgetown, Conrad Middle School south of Wilmington, Springer Middle School north of Wilmington and Family Learning Academy in Camden.

The seventh graders, participants in Delaware’s watershed curriculum, will be learning facts about watersheds and conservation through interactive exhibits at historic Ft. Delaware, which offers a unique experience for the students.

A series of activities at the fort are designed around solving the problems of water shortages and pollution during the year 1864 on Pea Patch Island. The first part of the day’s educational program focuses on the lack of safe drinking water – a major problem which beset the military management of this large prisoner of war facility. The second part of the program turns to more modern problems and issues facing the effective management of water resources within the watershed.

Students will travel among eight different “stations” where they will gain an historical perspective followed by a scientific perspective. Scientific “stations,” staffed by DNREC scientists and educators, will deal with issues that impact water potability – issues such as salinity, contamination, over enrichment with nutrients and mosquito breeding. After the students have worked through the story of how the residents of the island in 1864 might have gotten drinking water, students will focus on Delaware’s watersheds and discuss the similarities and differences in the clean water challenges that face us today.

Though everyone lives in a watershed, not everyone is aware of the impacts everyday activities have on the health of our waters. Delaware’s water festival is part of a nationwide event aimed at educating students.

“The quality of water in ground water and springs is often a reflection of the health of a watershed,” said Dennis Nelson, founder and executive director of Project WET. “A healthy watershed is no accident. Our festivals encourage teachers and children to be good watershed neighbors.”

These “hands-on” festivals bring together parents, students, teachers, government officials, and enthusiasts of all kinds for one cause: to raise awareness of the need for water education and



Maria A. Taylor

DNREC Aquatic Resources Education Center coordinator Gary Kraemer illustrates sampling for nutrients in water at the moat area of Ft. Delaware.

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draw attention to the vital role this precious resource plays in our everyday lives. Established in 1984, Project WET (Water Education for Teachers) is an international water science and education program dedicated to teaching children around the world about water stewardship and conservation.

Transportation to the island for the event was provided by the Delaware River and Bay Authority (DRBA).

Nestlé Waters North America supports the Make A Splash festivals, the largest water education event in the country. “We encourage stewardship of our nation’s water resources. Protecting them is important for future generations,” said Kim Jeffery, president and chief executive officer of Nestle Waters North America. “This water education day provides programs and tools to get youngsters excited about conserving water and treating it with care all their lives.”

To learn more about “Make a Splash with Project WET”, visit www.projectwetusa.org. Project WET provides a complete curriculum of water education teaching materials, books and training opportunities, as well as a network of coordinators in every state of the continental U.S., Canada, Mexico, and the Philippines. Project WET is based at and affiliated with Montana State University.

The sponsor of the event, Nestle Waters North America Inc., is the number one bottled water company in the U.S. and Canada. Its family of 15 well-known brands is built upon natural spring water products including Poland Spring from Maine, the leading spring water brand in America. Consumers around the U.S. enjoy other popular regional brands such as Arrowhead, Deer Park, Ozarka and Zephyrhills. Nestle Waters North America is also the exclusive importer of globally recognized brands such as Perrier and S. Pellegrino.

For further information, contact Maria Taylor, Public Affairs, (302) 739-4506

\$50,000 in Grants Issued to Increase Recycling

The Department of Natural Resources and Environmental Control and the Governor’s Recycling Public Advisory Council have awarded \$50,000 in Recycling Assistance Grants for Fiscal Year 2004. Seven proposals were approved for funding.

The largest grant, \$25,342, was awarded jointly to the City of New Castle and the Town of Newport. The two municipalities are working cooperatively to establish programs to handle residential yard waste, and Newport is also planning to implement curbside recycling for its residents.

Other projects receiving grants are:

- The University of Delaware: \$7,486 to conduct composting education in schools and other group settings;
- The City of Wilmington: \$6,975 to conduct an assessment of the costs of implementing curbside recycling for all residents that receive trash pickup from the city;
- Delaware City: \$4,960 to expand its subscription curbside recycling program to all interested residents of the city;
- Rehoboth Beach: \$3,045 to make improvements to its existing beach and boardwalk recycling program; and

- Minorities in Agriculture, Natural Resources, and Related Sciences: \$2,192 to expand paper recycling at Delaware State University and conduct an environmental education campaign for DSU students.

Applications requesting more than \$140,000 were submitted, far exceeding the available amount of \$50,000. In order to make the best use of the available funds, the committee asked some applicants to scale back their proposals or to accept less funding than requested and find other sources for the additional money needed to implement their programs.

“In keeping with the intent of the grant program, we tried to fund projects that will be sustainable over the long term and that have the potential to divert a lot of material from the waste stream,” said Paul Wilkinson, Chairman of the Recycling Public Advisory Council.

John Blevins, Director of the Division of Air and Waste Management and a member of the council, was impressed by the number of proposals submitted by local governments and is particularly pleased with the cooperation exhibited by officials in New Castle and Newport. The two municipalities had submitted separate grant applications totaling more than \$47,000. Noting the similar goals of the projects and the proximity of the towns, the committee decided to offer some, but not all, of the funding they had requested if they would work together to share resources. The towns embraced the challenge and are developing a strategy to provide yard waste services to both communities.

“This type of cooperation makes a lot of sense when you’re talking about buying equipment that is very expensive and that may be used by a town only one or two days a week,” Blevins said. He added that he hopes this partnership will encourage other towns to start thinking about ways that they might pool their resources to achieve common goals.

Funds for the Recycling Assistance Grant program are subject to annual authorization by the General Assembly. If funding is authorized for Fiscal Year 2005, the availability of grant money will be announced during the fall of 2004, with applications due to DNREC by January 31, 2005.

For additional information on the grant program, contact the Solid and Hazardous Waste Management Branch at (302) 739-3689.

Speakman Company Awarded Coastal Zone Act Permit

Department of Natural Resources and Environmental Control Secretary John A. Hughes has granted a Coastal Zone Act permit to Speakman Company Inc. for its relocated assembly operations at 400 Anchor Mill Road in the Twin Spans Business Park in New Castle.

Speakman applied for the permit in November of 2003 to manufacture plumbing fixtures, showerheads and safety eyewashes and showers. The parts are trucked to the site in New Castle where the final products are assembled, packaged and shipped to customers. A public hearing was held on the company’s proposal on April 6, 2004.

Environmental effects from this project, the generation of paper and cardboard waste, will be offset by recycling all such waste off-site. The company also plans to recycle fluorescent light bulbs out of state and request that truck drivers turn off their engines while loading or unloading at its facility.

Anyone wishing to appeal this decision to the State Coastal Zone Industrial Control Board must do so within 14 days following the May 2 publication date of legal notice. Appeal forms may be acquired by calling Dennis Brown, DNREC Planning and Compliance Assistance, (302) 739-3091. The appeal fee is \$100.

For additional information, contact Dennis Brown, (302) 739-3091, or Melinda Carl, (302) 739-4506.

DNREC Publishes First Annual Enforcement and Compliance Report

Department of Natural Resources and Environmental Control Secretary John A. Hughes announced on April 30 the publication of the agency's first Enforcement and Compliance Annual Report.

The annual report was developed with enforcement and compliance information compiled from each of DNREC's regulatory and compliance assistance programs that are charged with environmental pollution control activities.

Secretary Hughes notes in the introductory message that the report serves two important purposes: "as a self-evaluation tool and to educate and inform the general public, legislators and DNREC's regulated community of our efforts in compliance assistance and environmental enforcement."

Highlights from DNREC's first Annual Report include: Explanations and examples of DNREC's efforts in providing compliance assistance to its regulated community; at-a-glance program information and work activity summaries for DNREC's 11 regulatory enforcement programs; summaries of DNREC's administrative, civil and criminal enforcement actions; and newly enacted environmental laws and regulations.

Time periods covered by the first Annual Report are State Fiscal Years 2002 and 2003 (7/1/01 to 6/30/02 and 7/1/02 to 6/30/03 respectively). Future Annual Reports will be issued in late summer/early fall, after DNREC programs have finalized statistical information at the end of the state fiscal year.

The first DNREC Enforcement and Compliance Annual Report is available on the Internet or by request from the Department at 302-739-4403. The Internet version can be found by going to the DNREC home page at www.dnrec.state.de.us. Click on the link to "Enforcement & Compliance Information" and then "Enforcement and Compliance Annual Report."

For additional information, contact Jennifer Bothell, Office of the Secretary, (302) 739-4403, or Maria Taylor, Public Affairs Office (302) 739-4506.

State Parks Daily Entrance Fees Effective May 1

The Division of Parks and Recreation reminds visitors to Delaware's state parks that daily entrance fees will be collected from May 1 until Oct. 31. Fee collectors will be on duty most of the time, but in some instances – when it would be more cost effective, for example – a self-payment system may be used.

"State parks are still the biggest recreation bargain in the state," said Division Director Charles A. Salkin.

The daily entrance fee is \$2.50 for Delaware registered vehicles and \$5 for out-of-state vehicles at most of the 14 state parks: Bellevue, Brandywine Creek, Cape Henlopen, Beach Plum Island Nature Preserve, Delaware Seashore, Fort DuPont, Fox Point, Holts Landing, Fenwick Island and Fenwick Island's State Line Beach, Assawoman Canal, Killens Pond, Lums Pond, Trap Pond, Trussum Pond Natural Area, White Clay Creek State Park and Preserve (including the Judge Morris area) and Alapocas Run Park.

Fort Delaware State Park has no park entrance fee, but there is a charge for the ferry ride to Pea Patch Island. Brandywine Zoo in Wilmington, which has been part of the state park system since 1998, charges admission from March 14 through October 31.

For anyone who visits the parks frequently, the best buy is a season pass: \$20 for Delawareans, \$40 for out-of-staters, half price for senior citizens and \$20 for military personnel on active duty.

Another bargain is the daily pass booklet that sells for \$12.50 and allows six visits for Delawareans and three for out-of-state visitors. They can be purchased at state park offices.

Delaware residents with a Golden Access Passport issued by the Department of the Interior to U.S. citizens who are permanently disabled are not charged entrance fees. In Delaware, Golden Access Passports can be obtained at Bellevue, Killens Pond and Cape Henlopen state parks, as well as at Bombay Hook and Prime Hook National Wildlife Refuges.

State Park annual passes are available at park offices, at the central office at 89 Kings Highway, Dover, from license agents throughout the state or, this year for the first time, on-line by going to www.destateparks.com and clicking on Delaware@Your Service.

For more information, including a list of license agents, contact the Division of Parks and Recreation (302) 739-4702 or visit on the Internet at www.destateparks.com.

For more information, contact Mary Voshell, Division of Parks and Recreation chief of business services, or Clyde Shipman, operations administrator, (302) 739-4702.

Wastewater Facilities Advisory Council Meeting, Workshop Set for May 12 in Dover

The Wastewater Facilities Advisory Council will hold a meeting and workshop beginning at 9 a.m. Wednesday, May 12 at Delaware Technical and Community College, Conference Room 400A, 1832 N. DuPont Parkway, Dover.

The meeting agenda will include an Administrator's Report, Financial Reports, and a Wastewater Facility Planning Grant for Sussex County.

The workshop following the meeting will focus on the Wilmington Combined Sewer Overflows-Long Term Control Plan and Water Quality Standards.

For information about the meeting, please contact Louise Holt, Financial Assistance Branch, (302) 739-5081.

DNREC to Hold Public Workshops on Deer Management May 20, May 27 and June 2

The Delaware Department of Natural Resources and Environmental Control's Division of Fish and Wildlife will be holding public informational workshops in each county to discuss amendments to the Wildlife and Non-Tidal Fishing Regulations affecting deer seasons. DNREC is amending the regulations to promote the harvest of female deer.

The proposed changes include increasing the general deer bag limit from two deer to four deer, adding one day to the October muzzleloader season, adding shotgun deer hunting days in October for antlerless deer and changing tagging requirements for deer checked using the automated phone/internet system.

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“This will hopefully bring the deer population to manageable levels and address the growing issues of ecosystem damage, crop damage, property damage, vehicle collisions, and lyme disease transmission,” says DNREC’s Deer Damage Assistance Program Manager Ken Reynolds.

“I believe that deer overabundance is an ecological crisis. Deer browsing of vegetation has been documented to cause decreased abundance and in some cases local extinctions of amphibians, birds, mammals, rare plants, and reptiles,” says University of Delaware Assistant Professor of Wildlife Ecology, Dr. Jake Bowman. “Reducing deer numbers will help conserve Delaware’s fragile biodiversity and promote overall ecosystem health.”

The Kent County workshop will take place at 7 p.m., May 20 in DNREC’s auditorium, Richardson and Robbins Building, 89 Kings Highway, Dover.

The New Castle County workshop will be held at 7 p.m., May 27 in the Education Building at the Ommelanden Hunter Education Facility on Route 9, New Castle.

The Sussex County workshop will be held at 7 p.m., June 2 at the Delaware Technical and Community College Owens Campus in the lecture hall of the William Carter Partnership Center, Route 18, Georgetown.

The Department has contracted Dr. Jake Bowman to develop a comprehensive deer management plan for the State.

For more information, contact Ken Reynolds, Fish and Wildlife, (302) 653-2883, or Jason Gleockler, Public Affairs, (302) 739-4506.

Environmental Management System Workshop Set for June 16 and 17

Delaware business and industry representatives are invited to attend a free, two- day Environmental Management Systems (EMS) workshop from 8:30 a.m. to 4:30 p.m. June 16 and 17 at Delaware Technical and Community College, Stanton Campus in Wilmington.

The workshop is sponsored by DNREC’s Pollution Prevention Program. There is no charge to attend and lunch will be provided. For registration information, contact Bob Palmer at (302) 739-6400 or by e-mail at robert.palmer@state.de.us.

“Throughout the country, various industry leaders are making investments in and promoting environmental protection that extends beyond the minimum required by law. Many organizations are now turning to EMS to manage and control the environmental impacts of their operations, activities and products,” says Pollution Prevention Program Manager Bob Palmer. “By adopting a strategic EMS, facilities will realize operation efficiencies, cost savings, stronger operational control, and be more informed stewards of the environment.”

For additional information on the EMS workshop, contact the Pollution Prevention Program office, (302) 739-6400.

DNREC and Federal Government Offer Landowners Cost Share Funds for Phragmites Control Deadline for 2004 Applications is May 28

DNREC’s Division of Fish and Wildlife, is again partnering with the U. S. Department of Agriculture’s Natural Resources Conservation Service (NRCS) to offer cost-share assistance to improve wildlife habitat in private wetlands that have been degraded by the pest plant, phragmites.

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This partnership will enable the financial assistance to be increased where state and federal money will cover 87.5 percent of the cost, with the landowner chipping in the remaining 12.5 percent.

Eligible landowners must have a minimum of five acres of phragmites and a maximum of 200 acres to be spray treated with herbicide. In addition, landowners must agree to have their property treated for three consecutive years. The phragmites cost share program is intended to treat the problem in undeveloped wetlands, such as tidal or non-tidal freshwater and brackish marshes, ponds, and impoundments. Drainage ditches are not eligible; landowners with phragmites problems in agricultural ditches should contact their county conservation districts. The Division also may exclude areas adjacent to development for safety reasons since the work is done by helicopter.

The phragmites reed is both fast growing and extremely hardy. It has taken over large areas of Delaware wetlands by displacing native plants that provide better wildlife food and cover. Its extensive root system holds dormant reeds in place during the winter, which causes a fire hazard.

DNREC will be using a glyphosate-based aquatic herbicide to control the plant. The Department's Division of Fish and Wildlife is responsible for purchasing the herbicide, determining the herbicide application timing and rates, coordinating aerial spraying and providing technical advice. "The herbicide spraying is all done by helicopter, so only relatively undeveloped wetland areas will be eligible," said DNREC Division of Fish and Wildlife biologist Bill Jones. "This program breaks up solid stands of an invasive species, and encourages a greater diversity of both plants and wildlife."

DNREC's Division of Fish and Wildlife offers the cost sharing approach as an incentive for landowners to be a partner in marsh restoration programs. Last year, 63 landowners took advantage of the cost share program and over 3,000 acres were treated. The program has been in existence since 1986. This year, with the additional funding, it is anticipated that the landowner per-acre cost of phragmites treatment will only be about \$5. "That is an incredible bargain" states Jones. "In some years landowners paid as much as \$30 per acre."

The federal money is part of NRCS's Wildlife Habitat Incentive Program (WHIP). The new funding brings some procedural changes for applying to the program since two separate applications will be necessary. "Applications for WHIP assistance must first be ranked, and acceptance in the program will be based on those rankings," notes Sally Kepfer, state resource conservationist for the NRCS. "It is extremely important for landowners to get their applications in by the May 21 deadline so the rankings can be done in time for the spraying to begin." DNREC will require a separate application and paperwork, and all applications will be available at the County USDA Service Centers listed below. The DNREC portion can be filled out online. Go to <http://www.dnrec.state.de.us/fw/wildlife.htm> and select, "Phragmites Spraying Application." The deadline for both NRCS and DNREC applications is May 28, 2004.

Applications can be obtained at the following County USDA Service Centers:

New Castle USDA Service Center, 2430 Old County Road, Newark, DE 19702, telephone, (302) 832-3100;

Kent USDA Service Center, 3500 S. DuPont Highway, Dover, DE 19901, telephone, (302) 697-2600;

Sussex USDA Service Center, 408 N. DuPont Highway, Georgetown, DE 19947, telephone, (302) 856-3990.

The entire program is contingent upon DNREC receiving funding through this year's State Budget. Projects with the highest environmental significance are funded first. Landowners will be

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notified of any problems or changes before any contracts are signed.

Interested landowners can contact Bill Jones, for more information, (302) 284-4795.

DNREC Reminds Public of Open Burning Restrictions

Spring has sprung, and summer is around the corner. As Delawareans spruce up their yards and homes, the Department of Natural Resources and Environmental Control reminds residents that open burning is subject to many restrictions.

Delaware law prohibits the burning of leaves, trash, refuse, garbage, lumber and land-clearing material at all times. However, residents may burn cut or fallen branches and limbs from trees or shrubbery originating at their residence during certain times of day and subject to county seasonal restriction.

For residential burning of fallen branches and limbs the following rules apply:

1. The branches and limbs to be burned on a given property must have fallen from trees and shrubbery growing on that same property.
2. Residents who plan to conduct an open burn must inform their county Fire Board before burning giving details of time and location.
3. Burning hours are 8 a.m. to 4 p.m. only.
4. Fires must be supervised at all times.
5. Fires must not interfere with the right of neighbors to breathe clean air or to use and enjoy their property.
6. In Kent and New Castle counties the burning of fallen branches and limbs is seasonally restricted to the months of September through May. The months of June, July and August are considered to be the summer ozone season.

Violations of the open burning law can result in fines up to \$500 per violation.

The phone numbers for the Fire Boards are: New Castle County Fire Board, (302) 738-3131; Kent County Fire Board, (302) 734-6040; Sussex County Fire Board, (302) 856-6306.

Illegal burning can be reported by calling 1-800-662-8802. Verizon cellular phone users can call #DNR toll free.

For helpful information or to review the open burning regulation, go to the DNREC website at: www.dnrec.state.de.us and select the link to Air Quality followed by the link to Open Burning. Information is also available directly from DNREC's Air Quality Management Section at (302) 739-7491.

For more information contact Chief William Hill, Enforcement, (302) 739-5072 or David Fees, Air Quality Management Section, (302) 739-4791 or Jason Gleockler, Public Affairs, (302) 739-4506.

Delaware Students to Test Skills at Environmental Challenge

Teams of Delaware High School students (including FFA and 4-H) will descend on Cape Henlopen State Park today, May 6, to compete in the 9th annual Delaware Envirothon™.

The Envirothon is an environmental education challenge for high school students who represent their school with one or more teams of five students. Teams competing in this years Envirothon

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include: A. I. DuPont High School, Caesar Rodney High School FFA, Charter School of Wilmington, Dover High School “Environtists”, Glasgow High School, Hodgson Vo-Tech High School “Eagles”, Kent County 4-H, Middletown High School, Polytech High School, Sussex Central High School FFA, Sussex Technical High School FFA, and Woodbridge High School FFA.

These teams will be challenged in their knowledge and practical application of aquatic ecology, forestry, soils/land-use, wildlife, natural resource management in the urban environment, and public speaking. The winning team will advance to represent Delaware at the International Canon Envirothon being held July 26-Aug. 1, 2004 at Wesleyan College in Buckhannon, W.V. Last years state champions from the Charter School of Wilmington placed 13th out of 47 teams.

The 2004 Delaware Envirothon will take place at five eco-stations set up in Cape Henlopen State Park. The state champion team members will receive \$3,000 renewable scholarships to Wesley College as well as a \$500 scholarship from the Delaware Envirothon. The second place team will receive the \$300 Ernest J. Zimmerman Memorial Award and the third place team will receive a \$150 award. Both the second and third place awards are to be used by the teams for classroom materials or a class project dealing with the environment. Additional awards will be given to the top teams in each natural resource discipline.

Questions for additional information can be directed to Rick Mickowski, (302) 832-3100 ext. 113.

Regulatory Update

Recently Adopted Regulations and Regulations Under Appeal

2001-22: New regulation defining chronic violator, the process for determining when a facility or regulated party is declared a chronic violator and the terms and conditions for lifting the designation. Development and implementation of this regulation was mandated by Senate Substitute No. 1 for Senate Bill 33, An Act to Amend Title 7 and Title 29 of Delaware Code with respect to notification of environmental releases, facility performance, and establishment of the Community Involvement Advisory Council. Contact Marjorie Crofts, 739-4764. **Effective date – March 11, 2004**

2003-14: Amendments to Delaware Regulations Governing Hazardous Waste. This action adopts amendments previously promulgated by EPA to maintain authorization for administering Delaware’s own hazardous waste management program. This action also adopts miscellaneous changes to correct existing errors in the hazardous waste regulations and clarifications. Contact Karen J’Anthony or Donald Short, 739-3689. **Effective date – March 21, 2004**

2003-23: Amend Tidal Finfish Regulations, Striped Bass Possession Size Limit; Exceptions. This action changes the recreational daily size and creel limits and seasons for striped bass; and changes the minimum commercial size limit for striped bass taken from all tidal waters of the state other than the Delaware River and Bay and its tributaries to 28 inches total length. During the commercial

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season of March 1-April 30, the minimum commercial size limit remains at 20 inches for the waters of Delaware River, Delaware Bay and their tributaries, but reverts to 28 inches total length minimum for the remainder of the year. Contact Roy Miller 739-3441. **Effective date – March 10, 2004**

2003-13: New regulation to establish date for the first and subsequent lotteries for available commercial gill net permits and authorization for commercial hook and line permits, and commercial crab dredge, conch pot and conch dredge licenses. The date for the first lottery is Jan. 2, 2004 with subsequent lotteries held the first working day in January. Participants include those in the apprentice program who have completed the required and properly documented 150 days of commercial fishing activities over no less than a 2-year period from the apprentice sign-up date. Contact Roy Miller, 739-3441. **Effective date - Jan. 2, 2004.**

98-08: Establish a Total Maximum Daily Load (TMDL) for the Inland Bays Sub-basin — This TMDL includes the tidal portions of Indian River, Indian River Bay and Rehoboth Bay. The TMDL process determines the pollutants causing water quality impairments, identifies maximum permissible loading capacities for the waterbody in question, and, for each relevant pollutant, assigns load allocations from point and non-point sources to each of different sources in the Sub-basin. These limits are designed to achieve water quality criteria and promote healthy populations of fish and other aquatic life. Contact: John Schneider – 739-4590. **Effective date – Dec. 1, 1998**

Environmental Appeals Board voted to stay appeals of Town of Rehoboth and Town of Georgetown on April 27, 1999 pending a decision by Superior Court.

97-11: Implementation of September 27, 1994 MOU among Ozone Transport Commission states on development of a regional strategy for control of stationary source Nitrogen Oxide (NOx) emissions. This regulation reduces NOx emissions from fossil fuel fired boilers or indirect heat exchangers with a maximum rated heat input capacity of 250 MMBTU/hr, or more; and all electric generating facilities with a rated output of 15 MW, or more. Contact: Ron Amirikan – 323-4552. **Effective date - April 1, 1999.**

April 16, 1999 - Appealed to Environmental Appeals Board by Motiva Enterprises and Delmarva Power and Light Company; **April 20, 1999 -** Motiva and Delmarva Power filed a civil action for a review of the Order in Superior Court for New Castle County.

Regulatory Actions Underway:

2004-03: Amendment to Delaware's Wildlife and Non-Tidal Fishing Regulations. This action would provide additional shotgun hunting days in October for antlerless deer, lengthen the October Muzzleloader season by 1 day, increase the general deer bag limit from 2 antlerless deer to 4 antlerless deer, clarify the use of additional antlerless deer tags that are purchased, clarify deer checking/registration procedures and tagging requirements and allow squirrel hunting during firearms deer seasons in October where seasons overlap. Contact Ken Reynolds, (302) 653-2883

2004-02: Amendments to Shellfish Regulations pertaining to oysters. This action will establish the oyster harvest quota and address seasonal harvesting dates. Contact Richard Cole, 739-3441

2004-01: **Amendments to Tidal Finfish Regulations, summer flounder and recreational black sea bass.** Summer flounder: Delaware is able to maintain the same management measures for summer flounder used in 2003 for the 2004 fishery since the harvest cap was not exceeded. The nine management options presented for public review in 2003 will again be presented as approved methods for 2004. A new option may be presented that will include a 17.5 inch minimum size limit, six fish bag limit and no closed season for 2004. Recreational black sea bass: The coastwide requirements are a 12-inch minimum size length with a 25 fish creel limit and a closed season from Sept. 8, 2004 through Sept. 21, 2004 and Dec. 1, 2004 through Dec. 31, 2004. The Division of Fish and Wildlife proposes to impose a closed season for the same dates as the coastwide requirements. Contact Richard Cole, 739-4782

2003-24: **Development of a new regulation to be added to the Regulations Governing Solid Waste.** This action would institute a ban on the disposal of yard waste in Delaware landfills, and is a critical part of a larger waste management strategy directed toward environmentally and economically efficient waste management. The waste ban is designed to: conserve capacity at existing landfills; minimize the need to construct new or expand existing landfills; signal the composting and mulching industry that these materials are available for processing and marketing; return this valuable material to the market place as opposed to landfilling it; and reduce the emission of greenhouse gases. Contact Rick Perkins, 739-3689

2003-22: **Amendment to Delaware's Phase II Attainment Demonstration State Implementation Plan (SIP) for attaining the 1-hour National Ambient Air Quality Standard for ground-level ozone in Kent and New Castle counties in 2005.** This action would change the mid-course review due date to Dec. 31, 2004 and will allow inclusion of the NOx Transport SIP Call implementation (a significant part of the overall attainment strategy) in the analysis and put Delaware on the same timeline with other states in the region to enable Delaware to work cooperatively and conduct the mid-course review as a regional effort. Contact Frank Gao, 323-4542

2003-21: **Amendment to the Total Maximum Daily Loads (TMDLs) for nutrients and oxygen demanding materials for the Murderkill River Watershed.** This action would revise the cap and is necessary in light of recently collected data. It would amend the original regulation adopted in December 2001 and would apply to the entire watershed including Browns Branch, Double Run, tidal and freshwater portions of the Murderkill River and several ponds and lakes. Contact John Schneider, 739-4590

2003-20: **Adoption of Total Maximum Daily Loads (TMDLs) for nutrients and oxygen demanding materials for Little Assawoman Bay, Buntings Branch and the tributaries and ponds of the Indian River, Indian River Bay and Rehoboth Bay.** This regulation would establish a cap for the amount of nutrients and oxygen demanding materials that can enter these waters and is necessary to improve water quality and help maintain fishable waterways for Delaware citizens and visitors. The projected date for adoption is May 2004, five months past the deadline in the consent decree, due to unforeseen circumstances and technical issues regarding development of a new state-of-the-art water quality modeling system for the entire Inland Bays watershed. Contact John Schneider, 739-4590

2003-19: Adoption of a Delaware Coastal Management Program Comprehensive Update and Routine Program Implementation. This action would update all coastal management program policies to incorporate changes in state statutes, department regulations and executive orders since the last program's September 1998 update. Contact Sarah Cooksey or Bonnie Willis, 739-3451

2003-18: Adoption of a new "Regulation, 45, Anti-Idling Regulation" of the state's Regulations Governing the Control of Air Pollution. This action would regulate the idling time for operation of heavy-duty vehicles in Delaware having a gross vehicle weight rating of over 8,500 pounds. The regulation will continue state efforts to reduce emissions of NOx (nitrogen oxides), particulates and other tailpipe pollutants from vehicles operating in the state. Contact Philip Wheeler, 739-4791

2003-17: Amendments to the Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal (Septic) Systems. This action would update the regulations to include statutory changes that authorize DNREC to establish a license for persons who inspect septic systems and other on-site wastewater treatment systems. It also sets an annual license fee for septic system designers, installers, site evaluators, liquid waste haulers, inspectors and percolation tests, similar to other license fees charged by DNREC. Contact John Hayes, 739-4761

2003-16: Development of a State Implementation Plan (SIP) revision to include a case-by-case alternate volatile organic compound reasonably available control technology determination. This action would address the FP International, Newark, Del. facility's expandable polystyrene packing material manufacturing process. Contact Frank Gao, 323-4542

2003-15: Amendments to Delaware Regulations Governing Solid Waste. These proposed amendments pertain to sanitary landfill daily cover performance standards; prohibition of certain wastes in industrial landfills; prohibition of non-permitted sub-contractors by permitted solid waste transporters; correct a reference in the requirements for resource recovery facilities; amend the definition of infectious waste generator; and clarify who is required to obtain an infectious waste generator number. Contact Karen J'Anthony or Donald Short, 739-3689

2003-12: Modification of existing regulations for the Green Energy Fund (formerly the Environmental Incentive Fund). Senate Bill 93 moved the State Energy Office to DNREC and stated that the office would establish standards, procedures and regulations governing administration of the Green Energy Fund, formerly administered by the Delaware Economic Development Office. This action would modify DEDO's existing regulations to reflect movement of the Energy Office and the program, and amend the regulations for consistency with provisions in Senate Bill 93 and amendments in Senate Bill 145. Contact Charlie Smisson Jr., 739-1530

Public hearing – April 27, 2004, 6 p.m., Energy Office, 146 S. Governor's Avenue, Dover

2003-11: Amendment to Regulation No. 30 (Title V State Operating Permit Program) of the Regulations Governing the Control of Air Pollution. This action would change the definition of "Major Source" by removing the phrase, "but only with respect to those air pollutants that have been regulated for that category." This will require all fugitive emissions to be included in major source determinations for sources subject to federal New Source Performance Standards or the National Emissions Standards for Hazardous Air Pollutants. Contact Deanna Morozowich, 739-4791

2003-10: Development of a new Distributed Generation Regulation covering on-site electric generators of small to medium capacity. In general, emissions from small and medium size on-site electric generators are currently uncontrolled in Delaware. Most of these units run on fossil fuels such as diesel and contribute to the secondary formation of ground-level ozone and fine particulate matter. Some are used to help utilities meet peak demand periods that frequently correspond with summer ozone action health alert days. This means that emissions from these units are frequently at their highest when the health threat from ozone is at its worst. Use of these units is growing and the Department is initiating this action to specifically control this category of emitters. Contact Al Deramo, 739-4791

2003-09: Amendment to Regulations Governing the Control of Air Pollution: new section – Requirements for Minor Source Pre-Construction Review (Minor NSR). This action would ensure that best available emission controls are installed at the time that smaller, but very significant, sources are constructed and modified to help manage Delaware's air resources. Contact Gene Pettingill, 323-4542

2003-07: Amendments to the Regulations Governing Beach Protection and the Use of Beaches adopted in 1983. This action would increase the effectiveness of the Coastal Construction Program and improve its protection of the beach and dune system. The amendments would reduce ambiguity, close possible loopholes and limit the amount and type of construction permitted seaward of the Building Line. Redrawing the building Line, incorporating changes to the Beach Preservation Act and adding new construction standards for waterfront buildings will result in less damage to structures and improvements to the natural dune and beach resource. Contact Maria Sadler, 739-4111

2003-05: Amendments to Shellfish Regulations S-51 and S-55 and enactment of new shellfish regulations. This action would require the use of bait saving devices in conch pots using horseshoe crab as bait; prohibit the harvest or landing of horseshoe crabs in Delaware between May 1 and June 7 of any year and cap the annual harvest and/or landings of horseshoe crabs in Delaware to 150,000. Contact Roy Miller, 739-3441

2003-03: Re-issuance of Regulations Governing Storm Water Discharges Associated with Industrial Activities. These regulations are required by law to be reissued once every five years. The current regulations expire Sept. 15, 2003. The reissued regulations will expand the existing regulations to include additional requirements for discharges of storm water associated with industrial activities. Contact Amber Moore, 739-5731

2003-02: Amendment to Subpart A, Regulation 38, Emission Standards for Hazardous Air Pollutants for Source Categories. These general provisions establish applicability, definitions, compliance, notification, performance testing, monitoring, record keeping and reporting requirements common to the emission standards for hazardous air pollutants promulgated under Regulation 38. This action affects any owner or operator of a stationary source that is or will be subject to any standard, limitation or prohibition established by Regulation 38 and ensures consistency of Subpart A with federal changes expected in April 2003. Contact James Snead, 323-4542

2002-26: Amendment to Regulations Governing the Control of Air Pollution, Regulation 2038, Reporting of a Discharge of a Pollutant or Air Contaminant. This amendment would change the

reportable quantity for the flammable substance hydrogen, clarify flammable reportable quantities and correct several technical mistakes in the list of substances. Contact Jay Brabson, 323-4542

2002-25: Amendment to tidal finfish regulations regarding weakfish size and possession limits. The approved plan adopted by the Atlantic States Marine Fisheries Commission includes 7 weakfish per day at 12 inches minimum, 8 at 13 inches, 9 at 14 inches or 10 fish at any size equal to or greater than 15 inches. The amendment would also adjust the beginning and ending dates to adjust the days for the new calendar year. Contact Roy Miller, 739-3441

2002-21: Amendment to the Delaware State Parks rules and regulations needed to reflect changes in park resources and changes from the Delaware Code, including the Wilmington State Parks, Holts Landing Fishing Pier, protection of exhibits, established bicycle trails and facility rentals/special events. Contact Wayne Kline, 739-4405

Public hearing – April 28, 2004

2002-16: Development of new regulations for aboveground storage tanks, including requirements for leak detection, spill containment, construction, dismantling, operation, maintenance and cleanup of any leaks pursuant to the Jeffery Davis Aboveground Storage Tank Act signed into law by Governor Minner July 8, 2002. Contact Kathleen Stiller Banning, 395-2522

2002-13: Amendment to Tidal Finfish Regulations. This action pertains to recreational and commercial creel limits and season for tautog. The Atlantic States Marine Fisheries Commission's amendment of the Fishery Management Plan for tautog requires all east coast states to reduce fishing mortality by 48 percent by changing creel limits or imposing seasonal closures or a combination of both by April 1, 2003. Contact Jeff Tinsman, 739-4782

2002-08: Pollution Control Strategy (PCS) for implementing nutrient load reductions set by the TMDL for the Murderkill River and its tributaries. The PCS will cover activities in the entire watershed, including land areas draining into Browns Branch, Double Run, tidal and freshwater portions of the Murderkill River and several ponds and lakes. This regulation will establish actions to achieve the maximum nutrient loading and is necessary to improve water quality and attain the fishable and swimmable goals of the federal Clean Water Act. Contact John Schneider, 739-4590

2002-07: Pollution Control Strategy (PCS) for implementing nutrient load reductions set by the TMDL for the Nanticoke River, Broad Creek and their tributaries. The PCS will cover activities in the entire watershed. This regulation will establish actions to achieve the maximum nutrient loading and is necessary to improve water quality and attain the fishable and swimmable goals of the federal Clean Water Act. Contact John Schneider, 739-4590

2002-06: Pollution Control Strategy (PCS) for implementing nutrient load reductions set by the TMDL for Indian River, Indian River Bay, Rehoboth Bay and their tributaries. This regulation will establish actions to achieve the maximum nutrient loading and is necessary to improve water

quality and attain the fishable and swimmable goals of the federal Clean Water Act. Contact John Schneider, 739-4590

2001-21: **Amendments to Sediment and Stormwater Regulations.** This action would allow a greater degree of flexibility for types of practices that could be considered for approval and would result in more low-impact stormwater practices such as bio-retention, bio-swales and buffers being used to meet water quality requirements. Contact Frank Piorko – 739-6724

2001-14: **Amendment to Regulation 24, Control of Volatile Organic Compounds, Section 26 (Stage I Vapor Recovery) and Section 36 (Stage II Vapor Recovery) of the Delaware's Regulations Governing the Control of Air Pollution.** This action is proposed to ensure that the Vapor Recovery Systems currently installed within the state maintain the required 95 percent control efficiency. Contact Deanna L. Morozowich, 739-4791

2001-04: **Amendments to Regulations Governing the Use of Subaqueous Lands.** This amendment updates the regulations to include the statutory changes made by the 140th General Assembly. The amendments deleted definition of the term, “navigable water,” increased the subaqueous lands lease term from 10 to 20 years, and granted exemptions for certain types of activities in subaqueous lands. Contact William Moyer, 739-4691.

2000-23: **Amendments to Regulation 24, Control of Volatile Organic Compound Emissions, by adding a new section to control the emissions of VOCs from lightering operations, of the Regulations Governing the Control of Air Pollution.** Lightering is the transfer of cargo (usually crude oil) from ocean going vessels to service barges to allow the vessels to proceed upriver. During the cargo transfer, uncontrolled VOCs are emitted. This action is being developed to obtain additional VOC emission reductions for meeting Delaware's 1-hour ozone attainment. Contact James Snead – 323-4542

2000-11: **Development of the 1999 Periodic Emission Inventory.** States with non-attainment areas for ground-level ozone are required under the Clean Air Act Amendments of 1990 to develop comprehensive periodic emission inventories of ozone precursor pollutants (volatile organic compounds, nitrogen oxides, and carbon monoxide) once every three years and incorporate them into the State Implementation Plan. This is the third of these inventories covering all three Delaware counties for the 1999 calendar year and ozone season. Contact Raymond Malenfant, 739-4791

2000-10: **Amendments to Delaware's 2002 Rate-of-Progress Plan toward attainment of the 1-hour National Ambient Air Quality Standard (NAAQS) for ground-level ozone in Kent and New Castle counties.** Under the Clean Air Act Amendments of 1990, Delaware is required to submit to the U.S. EPA a State Implementation Plan every three years after 1996 to demonstrate how to achieve adequate rate-of-progress in reducing emissions of volatile organic compounds (VOC) and oxides of nitrogen (NOx), major precursors to form ground-level ozone. This action amends the 2002 plan submitted in February 2000. Contact Frank Gao, 739-3106

2000-05: **Update of 1990 Base Year Inventory and 1993 Periodic Emission Inventory Revisions.** The Clean Air Act Amendments of 1990 require states with non-attainment areas for ground-level

ozone to develop the 1990 base year inventory and comprehensive periodic emission inventories of ozone precursor pollutants once every three years after 1990 and to incorporate them into the State Implementation Plan. This is a first update to improve the 1990 Base Year Inventory and 1993 Periodic Emission Inventory. Contact Bhavesh V. Amin, 739-4791

2000-03: Amendments to the Delaware Regulations Governing Hazardous Substance Cleanup. Amendments include adding mirex and gas additives to the definition of hazardous substance as well as clarify the petroleum issue; incorporating by reference the HSCA Guidance standards; and amend the provision concerning interference and failure of remedy.

99-12: Triennial Review of the State of Delaware Surface Water Quality Standards (as amended Feb. 26, 1993). This review will meet requirements of the federal Clean Water Act, which requires all states to review their surface water quality standards every three years and adopt revised standards to comply with the Act. Contact Dave Wolanski - 739-4590.

98-13: Adopt a new regulation (Regulation No. 20, Section 30) of the State of Delaware Regulations Governing the Control of Air Pollution. This regulation will require any small industrial-commercial-institutional steam generating unit (i.e., any unit that combusts any fuel and that produces steam or heats water or any other heat transfer media) to meet specified emission limits for sulfur dioxide and particulate matter. Contact: Ron Amirikian – 323-4542

97-19: Contingency Regulations for Ozone Attainment – The Clean Air Act requires states with non-attainment areas for ground-level ozone to implement specific control measures if an area fails to make reasonable further progress goals or fails to attain the national ambient air quality standard by the attainment date. This contingency, in the form of a regulation, may be either a point source cap and reduce program or a higher-level enhanced motor vehicle inspection and maintenance (I-M) program, or perhaps some other action or combination of actions. This regulation will ensure that 1999 and later ground level ozone progress goals for New Castle and Kent counties are achieved, and will be implemented in New Castle and Kent Counties if the specified emissions reductions do not occur in 1999. Contact: Al Deramo – 739-4791

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